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October 13, 2023

Via ECF Only

Honorable Michael A. Hammer, U.S.M.J.
United States District Court, District of New Jersey Newark
Martin Luther King, Jr. Federal Building and Courthouse
50 Walnut Street, 2nd Floor
Newark, New Jersey 07102

Re: Myrlene Laurince v. City of Englewood, et als.
Civil Action No. 2:23-cv-03063 (JXN/MAH)
Our File No. 17-95

Dear Judge Hammer:

This office represents Defendants the City of Englewood, the Englewood Police Department, Officer Luana Sharpe and Officer Liangie Fernandez. Rober F. Renaud, Esq. represents Defendant Brian Havlicek and Eric V. Kleiner, Esq. represents Plaintiff Myrlene Laurince. I write this correspondence with the consent of all parties. Currently, a Telephonic Scheduling Conference is scheduled for October 23, 2023 at 3:30 p.m.

Plaintiff's Amended Complaint is based on a fatal shooting involving police officers that had occurred on September 3, 2022. Attorney General Directive 2019-4 and N.J.S.A. § 52:17B-107 mandate that the Attorney General's Office conduct the investigation of any death that occurs during an encounter with a law enforcement officer acting in the officer's official capacity or while a decedent is in custody. Pursuant to the statute, the Attorney General's Office shall present evidence concerning the incident to a grand jury in order to determine whether the evidence supports an indictment against the officer(s) involved.

We have been advised that the Attorney General's investigation into the matter at issue in this lawsuit is ongoing, and that the Attorney General's Office is in possession of the Englewood Police Department's entire file concerning the incident as part of that Office's investigation. Thus, it is essentially impossible for the parties to exchange Rule 26 Disclosures and to engage in any discovery while the Attorney General's investigation remains ongoing. Accordingly, the parties have no objection if Your Honor were to reschedule the Telephonic Scheduling Conference to a date in December. We would, of course, keep Your Honor updated as to the status of the Attorney General's investigation prior to any rescheduled date for the Telephonic Status Conference. If Your

Honor chooses not to adjourn the Telephonic Scheduling Conference scheduled for October 23, 2023, counsel for all parties will be available for same.

Should you have any questions regarding this request or should you need any additional information, please do not hesitate to contact the undersigned. As always, we thank the Court for its attention, courtesy and cooperation.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "David J. Pack", is centered below the text "Respectfully submitted,".

DAVID J. PACK

DJP:jlo

cc: Eric V. Kleiner, Esq. (*via ECF only*)
Robert F. Renaud, Esq. (*via ECF only*)

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